

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
) Civil File No. 4:11-cv-00321-RBH
v.)
)
TOBACCOVILLE USA, INC.,)
)
)
Defendant.)

MODIFICATION OF CONSENT DECREE

This Modification of Consent Decree is entered into between Plaintiff, the United States of America, and Defendant, Tobaccoville USA, Inc. (“Tobaccoville”), through their respective undersigned representatives, for the purpose of modifying Paragraph 8 of the Consent Decree entered in this case on September 19, 2011. The United States and Tobaccoville shall be referred to herein as “Parties.” The Parties hereby state as follows:

1. Paragraph 8 of the Consent Decree entered in this case requires Tobaccoville to pay its total outstanding debt, accrued pursuant to the provisions of the Fair and Equitable Tobacco Reform Act, 7 U.S.C. § 518d, through a series of payments, with the final payment due on June 30, 2014.
2. Tobaccoville has made all payments required by Paragraph 8 in a timely manner, with the exception of the final payment due on June 30, 2014.
3. It is the mutual desire of the United States and Tobaccoville to modify the payment schedule in Paragraph 8 for the final payment.
4. Tobaccoville shall pay the remaining amount of the principal of its outstanding debt, which totals \$1,197,254.60, plus 2.50 percent interest per year, in six payments. Specifically, Tobaccoville shall pay \$205,000 on or before each of the

following dates: (i) September 1, 2014; (ii) December 1, 2014; (iii) March 1, 2015; (iv) June 1, 2015; and (v) September 1, 2015. Tobaccoville shall make payment six (vi) in the amount of \$196,890.18, on or before December 1, 2015. All payments must be made via Pay.gov. All payments will be applied first to the interest due, with the remaining amount applied to the principal.

5. If any payment required under Paragraph 4 is not made in full and on time, and if any late payment is not submitted within fifteen (15) calendar days of the CCC sending Tobaccoville written notice via email to jetobaccoville@aol.com with a copy to rluddy@windelsmarx.com, of Tobaccoville's failure to make a timely payment, then the total outstanding debt and all accrued interest will become instantly due and payable. The United States may, without notice, collect the outstanding debt using any method, including, but not limited to, administrative offset from payments due Tobaccoville from any federal agency.

6. Upon receipt of the final payment set forth in Paragraph 4 of this Consent Decree, but in any event not later than ten (10) calendar days thereafter, the United States, by its counsel, shall execute and file with the Court a notice indicating that the agreed payments have been made and satisfied.

7. The parties seek to modify the Consent Decree only for the limited purpose of revising the schedule for the final payment required in Paragraph 8 of the Consent Decree. All other provisions of the Consent Decree remain in full force and effect.

For Tobaccoville USA, Inc.

s/Amy Harmon Geddes
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Counsel for the United States of America

IT IS SO ORDERED, this 18th day of
September, 2014.

s/R. Bryan Harwell
The Honorable R. Bryan Harwell
United States District Judge